

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MAGDALENO RODRIGUEZ,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-06-00170
	§	
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO DENY  
PETITIONER'S MOTION TO PROCEED *IN FORMA PAUPERIS***


On April 19, 2006, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that the petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 2) be denied. The Memorandum and Recommendation further recommended that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the Memorandum and Recommendation or voluntarily dismiss the petition, and be further advised that failure to pay the fee within the time period proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, the Court finds that petitioner is not indigent and it is

ORDERED that petitioner's application to proceed *in forma pauperis* (D.E. 2) is denied. Petitioner is instructed to pay the filing fee within twenty (20) days of the date of entry of this

order or voluntarily dismiss the petition. Petitioner is further advised that failure to pay the fee within the time period proscribed may result in dismissal of his petition for failure to prosecute.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 25th day of May, 2006.

  
Janis Graham Jack  
United States District Judge